

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Extended Study Session

January 22, 2001
6:00 p.m.

Council Conference Room
Bellevue, Washington

PRESENT: Mayor Mosher, Deputy Mayor Marshall, Councilmembers Creighton, Davidson, Degginger, and Noble

ABSENT: Councilmember Lee

1. Executive Session

The meeting was called to order at 6:00 p.m. by Mayor Mosher, who presided. There was no executive session.

2. Oral Communications

- (a) Ray Trzynka, Puget Sound Energy, One Bellevue Center, thanked Council for its support of Puget Sound Energy's position on equitable access to the federal energy resources of the Bonneville Power Administration. He has spoken with Deputy Mayor Marshall and Councilmember Degginger regarding discussion of this issue at the next National League of Cities conference. Mr. Trzynka presented an energy policy statement developed by Puget Sound Energy in cooperation with the Governor. He would like to return to Council at a later date to discuss Puget Sound Energy's personal energy management program. Mr. Trzynka said PSE is preparing a position paper regarding federal energy policy which will be provided to Council.
- (b) Bob Steed, Planning Commissioner, described the Commission's work on the recent Comprehensive Plan update and Factoria area zoning. Factoria area issues include traffic, street improvements, and intensity of development. The Commission has discussed trip caps and mixed use development as ways to mitigate traffic congestion. Further discussion will be held at the Planning Commission meeting on February 21, followed by a public hearing in March.
- (c) Jim Bloomfield, 14000 SE 45th Court, noted a proposal that a member of the Environmental Services Commission participate on a Citizens Advisory Committee for the Comprehensive Plan update process. Rather than having a Commission member

serve on the CAC, Mr. Bloomfield suggested that each Board and Commission participate in the Comprehensive Plan update process by reviewing portions of the plan related to their area of expertise. He asked Council to consider this alternative.

- (d) Robin Rothschild, Manager of Lake Hills Library, described a program to distribute library cards to every student in King County. Students must come into the library to activate the cards. The Lake Hills Library issued 176 new library cards in December 2000 as a result of this program. Ms. Rothschild described a new program that dispatches a mobile computer lab to groups and neighborhoods.
- (e) Betsy Blackstock, a resident of Surrey Downs, said her neighborhood has received more than \$110,000 in Neighborhood Enhancement Program funding during the past 11 years. A 1990 NEP project provided entrance signs for the Surrey Downs neighborhood. Ms. Blackstock said it has recently come to her attention that this type of project is no longer covered under the NEP. Although alternate funding was provided to improve the entrance signs in 2000, she noted that the NEP is now focused primarily on safety and the use of City property. She questioned whether the program's name accurately reflects its purpose and thanked Council for past NEP funding.
- (f) Carmen Aguiar, Chair of the Parks and Community Services Board, reported on the Board's recent retreat and thanked Deputy Mayor Marshall for attending the retreat on Saturday. Ms. Aguiar reviewed the Board's priorities for 2001: 1) Downtown Implementation Plan Update, particularly in reference to the overall park system and park needs in Downtown Bellevue, 2) Parks and Open Space System Plan Update, 3) community schools, 4) historic preservation, 5) Comprehensive Plan Update, 6) land acquisition for parks and open space, especially along the waterfront, 7) Youth Link and youth programs, and 8) educational study sessions. Ms. Aguiar said the Board would like to participate on the Citizen Advisory Committees for the Comprehensive Plan Update. She said the Board reviewed Council's draft vision statement for Bellevue and noted that the reference to a "City in a Park" is no longer included in the statement. The Board would like to restore the reference and to add language supporting active and passive recreation, community services, and an integrated system of parks and open space.
- (g) Martin Nizlek, 312 West Lake Sammamish Parkway NE, commented on the City's noise control ordinance and recalled that he sent a letter to Council in November regarding an October incident. He quoted a memo from Carol Helland, Legal Planner, indicating 208 complaints regarding construction noise during the past year. Mr. Nizlek submitted a petition requesting that the City prohibit blasting, pile driving, and other activities generating high noise levels on weekends and particularly on Sundays. He thanked Councilmember Creighton for raising the issue with Council.

3. Study Session

- (a) Council New Initiatives – Potential Amendment to Noise Control Code

City Manager Steve Sarkozy discussed a management brief in the Council packet regarding the City's current Noise Control Code. Carol Helland, Legal Planner, commented on the issue of appropriate noise levels associated with residential maintenance. She asked if Council would like staff to amend the Noise Control Code so that it does not exempt activities such as pile driving from the noise restrictions.

Mr. Creighton said he heard the pile driving noise described by Mr. Nizlek, who emailed Mr. Creighton on the morning of the incident. He feels the intent of the ordinance is to regulate commercial construction activity in residential areas while allowing homeowners to perform needed repairs and home improvement projects.

Ms. Helland advised that, in the interest of equal protection, Council focus on the level of noise to be regulated rather than who is generating the noise.

Mr. Degginger encouraged restrictions on excavation and dump truck activities early in the morning on weekends.

Ms. Helland suggested amending the hours that home repair-related noise is permitted, particularly on the weekends. Such noise is allowed between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and 9:00 a.m. and 10:00 p.m. on weekends. Mr. Noble concurred and further suggested that selected noisy activities be restricted to weekdays only.

Mrs. Marshall feels the hours should be modified to prohibit noise after 9:00 p.m. She suggested that staff prepare draft amendments to the Noise Control Code for Council's review.

- (b) Ordinance No. 5268 authorizing and providing for the acquisition of interests in land for the purpose of CIP Project No. PW-I-81, 112th Avenue NE Improvements in Bellevue's Central Business District; providing for condemnation, appropriation, taking and damaging of land and property rights necessary therefore; providing for the cost thereof and directing the initiation of appropriate proceedings in the manner provided by law for said condemnation.
(Postponed item from January 16, 2001. A management brief is included in the meeting packet for further clarification.)

Mr. Sarkozy recalled Council's concerns at the January 16 Regular Session regarding the approval of Ordinance No. 5268 and associated condemnation proceedings. Transportation Director Goran Sparrman described the properties to be affected by the proposed condemnation. He referred Council to the meeting packet for additional information including maps of the project area.

In response to Dr. Davidson, Senior Real Property Agent Jim Firestone said the driveway locations along 112th Avenue NE will remain the same. However, if Lexus and the dental office agree to a joint access arrangement for their properties, the driveway to the south would be closed. Dr. Davidson expressed concern about the parking spaces to be lost by the dental office. In response to Dr. Davidson, Mr. Firestone said there have been situations in which the City purchased land in order to mitigate project impacts for specific property owners. In this case, the

property adjacent to the dental office is currently under development and the owners are not interested in selling part of their property or sharing access. Dr. Davidson thanked staff members for their work on this issue.

- ➡ Mr. Creighton moved to adopt Ordinance No. 5268, and Mrs. Marshall seconded the motion.

In response to Dr. Davidson, Mr. Firestone said construction of the 112th Avenue project is scheduled to begin in April 2001. Mayor Mosher feels it is important to maintain the schedules for this project and the Access Downtown project.

- ➡ The motion to adopt Ordinance No. 5268 carried by a vote of 6-0.

(c) Regional Issues

Assistant City Manager Karen Reed introduced Joni Earl, Chief Operating Officer for Sound Transit. Ms. Earl introduced additional Sound Transit staff in attendance: Hugh Simpson, Finance Director; Tuck Wilson, Acting Link Light Rail Director; and Agnes Govern, Regional Express Director.

Ms. Govern said the Bellevue Transit Center is the hub for Sound Transit services in East King County. Roadway improvements associated with the transit center project will be advertised for bids in February 2001. Sound Transit is developing an agreement with the City of Bellevue for the City to provide construction management of the project. Improvements include roadway widening, intersection signals, and bus stop enhancements. Construction is expected to be completed this fall. The second construction stage includes transit center island improvements, new shelters and amenities, rider information, a bicycle station, and police office.

Turning to the Access Downtown project, Ms. Govern said the Sound Transit Board allocated an additional \$18 million of East King County revenues to this project. SE 8th Street interchange improvements will be advertised for bids in April 2001. Ms. Govern said Sound Transit is interested in accelerating the construction schedule for this project. Sound Transit is working with Bellevue staff to develop a cooperative agreement for financial management that will specify how local, regional, and grant revenues will be applied to future contracts. Formal approval of the agreement is needed by April to maintain the project schedule.

Ms. Govern said the purpose of the Eastgate Direct Access project is to improve transit speed and reliability along the I-90 corridor. Four alternatives are under consideration and construction is scheduled for completion in 2005. During the same period, King County will complete a project to increase the number of parking spaces at the Eastgate Park and Ride lot. Construction of the Overlake Park and Ride project will begin this summer and the facility is scheduled to be operational by the fall.

Ms. Govern said Bellevue elected officials and staff have been instrumental in keeping the I-90 Center Roadway project moving forward. Sound Transit will seek public comment in February and March regarding its Service Implementation Plan.

In response to Mr. Creighton, Ms. Govern said subarea service costs are allocated based on vehicle miles. She said the Bellevue to Seattle route is funded completely by East King County. North King County voted to allocate its funding to light rail. Ms. Earl noted that costs for the commuter rail line between Seattle and Everett are charged against the Snohomish County subarea.

Ms. Earl distributed copies to Council of Sound Transit's Central Link Board Briefing Book. In November 1999 the Board adopted a preferred alignment for the Link light rail system between Sea-Tac and NE 45th Street in Seattle. The alignment for light rail extending to Northgate has not yet been selected. Ms. Earl said bids were solicited in August 2000 for a tunnel contractor. Negotiations were conducted until November, at which time Sound Transit staff recommended that the Board suspend tunnel contract negotiations. At the Board's request, staff refined project cost estimates and presented this information to the Board on December 14. The revised budget totals \$3.6 billion and extends the project time line by three years. At the January 11, 2001, meeting, the Board voted to submit amendments for the full funding grant agreement representing \$500 million in federal funding. Ms. Earl said Sound Transit is moving forward with a six-month work plan and will be working to restore the credibility of the agency.

Mr. Wilson described his work over the past 10 years with Portland's light rail system. He said Sound Transit is working to extend its light rail system north of the University District and to add to the tunnel contingency fund. A Technical Advisory Committee will be assisting the selected tunnel contractor for this project. Mr. Wilson said the six-month work plan includes elements to reorganize the project, strengthen project controls, further refine the project scope and cost, and assign the tunnel contract. He noted this project can only be built with the community's support.

Mr. Simpson said Sound Transit's financial plan addresses Sound Transit as a whole as well as the subareas to ensure that investments in the subareas are completed. The financial plan is reviewed annually prior to budget adoption. East King County revenue projections have increased approximately \$172 million over the 10-year Phase I plan. The Sound Transit Board has allocated a portion of the excess funds to expand overall service and to contribute to Bellevue's Access Downtown project. Mr. Simpson reviewed key elements of the financial plan: 1) generates revenues by selling real estate that Sound Transit will be buying for construction staging areas and places the resources back into the financial plan, 2) increases federal funding assumption by \$490 million, 3) enhances financial plan through Sound Transit's bonding rates, 4) develops cash flow models, and 5) programs additional grants as well as subarea reserves.

Mr. Simpson said Section 4 (Page 5) of the financial plan addresses subarea equity, a principle to ensure that every dollar raised within a subarea is used for capital projects and operations that benefit the subarea. He reviewed five "lines of defense" designed to effectively deal with cost overruns while maintaining subarea equity: 1) contingencies allocated to each element of the project, 2) unallocated project reserves, 3) use of additional/underutilized bond capacity if available, 4) adjustments to project scope, and 5) extension of project schedule to secure additional revenue.

In response to Mr. Noble, Mr. Simpson said Sound Transit has been asked by Eastside Transportation Partnership to evaluate how its bonds are issued and the allocation of associated costs on a subarea basis. Sound Transit will return to ETP in February with an analysis. In further response to Mr. Noble, Ms. Earl said the project will be reviewed on an ongoing basis. Due to federal funding, the project will also be subject to review by the Inspector General.

In response to Mr. Creighton, Ms. Earl said the three-year extension to the project schedule will not delay a public vote on Phase II funding. This vote is scheduled to occur in 2004.

Dr. Davidson said Sound Transit's light rail project is substantially different than what voters approved. The project schedule has been extended and includes tunneling that was not initially considered. Project costs and bonding levels have increased significantly. He suggested the project should once again be brought before the voters for approval.

Ms. Earl said the original plan was conceptual in nature and changes to the plan are a natural result of the process to develop and refine the project scope and budget. She feels the project is substantially the same in that it provides a light rail system from Sea-Tac to the University District.

Dr. Davidson feels the increased costs are a substantial change for taxpayers and that a public vote would help restore Sound Transit's credibility.

Mr. Degginger questioned whether there is sufficient time to analyze alignment options before the bid process begins in June, particularly if additional environmental review is required. Mr. Wilson acknowledged the complexity of the project. He said the tunnel contractor is experienced in building tunnels around the world and has assessed the risks of the proposed light rail tunnel. Ms. Earl said the prior analysis of an option to build a bridge across Portage Bay will be reviewed as well.

Mrs. Marshall asked about term lengths for Sound Transit Board members and noted that only 18 of the 25 Board seats are currently filled. Ms. Earl said staff has requested time with the Board in February to discuss the Board's structure in relation to the level of oversight needed for this project.

Mrs. Marshall questioned whether a new vote on the light rail project could have a negative impact on non-rail transit projects. Ms. Earl said the impact would depend on the wording of the ballot measure. She noted that Sound Transit provides transit services other than light rail and suggestions to disband the agency would jeopardize these services. Mrs. Marshall thanked Sound Transit staff for their work.

Dr. Davidson said the first ballot measure approved by voters contained commuter rail and express roadways for buses. The project then evolved to include light rail and a tunnel. Dr. Davidson feels these changes to the project warrant another public vote. He commended the written report prepared by an expert panel that reviewed the project.

Mayor Mosher thanked Sound Transit for supporting Bellevue's Access Downtown project and for the agency's work on the I-90 center roadway study.

At 7:52 p.m., Mayor Mosher declared a break. The meeting resumed at 8:05 p.m.

Ms. Reed referred to page 55 of the Regional Issues packet and requested Council's comments on the draft Federal Legislative Agenda. In response to Mr. Creighton, Ms. Reed noted a statement added to the section on electric utility deregulation expressing a desire to protect Northwest ratepayers from the effects of deregulation in California.

Mayor Mosher commented that energy supply issues were discussed at the recent Conference of Mayors in Washington, D.C., and this will continue to be an important topic. Mrs. Marshall suggested a stronger emphasis on this item in the Federal Legislative Agenda. Mr. Degginger is in favor of legislative funding to develop energy alternatives and reduce dependence on foreign oil.

Mrs. Marshall suggested reorganizing the legislative agenda to place the section on transportation above the section on Internet taxation. She listed the top priority areas as pipeline safety, the Endangered Species Act, transportation, energy, and Internet policy. Mrs. Marshall suggested adding language from the State Legislative Agenda regarding the National Marine Fisheries Service (NMFS) to the section on transportation.

Mr. Degginger suggested adding language to the Endangered Species Act section encouraging federal funding for habitat acquisition and protection for cities in relation to their permitting practices. He would like clarification in the Act as to what constitutes the "take" of a species. He would also like to see some recognition that the standards for "properly functioning conditions" in an urban environment are considerably different than those for rural and undeveloped areas.

Mayor Mosher suggested a statement encouraging consideration of the economic consequences of major ESA actions. Regarding pipeline safety, Mayor Mosher encouraged the delegation of the federal Office of Pipeline Safety programs and funding to the states.

Ms. Reed will revise the draft Federal Legislative Agenda based on Council's discussion. She noted a meeting announcement in the packet for an East King County Human Services Forum on January 31 hosted by King County, Bellevue, Kirkland, and United Way.

(d) 2002 Update to the Comprehensive Plan

Mr. Sarkozy opened the discussion and noted a requirement in the state Growth Management Act that cities and counties conduct an overall review of their Comprehensive Plans by September 2002. Planning Director Dan Stroh requested Council direction on staff's proposed public participation plan and the scope of the Comprehensive Plan update.

Kathleen Burgess, Comprehensive Planning Manager, described the three phases of the update process: 1) establish public participation program and set the scope of the update, 2) prepare

amendments to the Comprehensive Plan, and 3) hold public hearings and adopt amendments. Citizen Advisory Committees would be appointed to focus on major substantive areas of the update and to advise the Planning Commission. Each CAC would have at least one Planning Commission member and three to six citizen members.

Ms. Burgess said the Transportation Commission, Parks and Community Services Board, and Environmental Services Commission will be involved in the overall process. Each CAC will hold work sessions and a public meeting to receive public comment. They will then make a recommendation to the Planning Commission for their issue area. Ms. Burgess said the Planning Commission is responsible for overseeing the update to the Comprehensive Plan. The Commission will review all recommendations from the CACs and ensure that the entire amendment package is internally consistent.

Ms. Burgess said the proposed scope of the Comprehensive Plan update includes an overall review for consistency, revisions to the City Council vision statement, the development of a framework for addressing neighborhood character, and a review for consistency with Endangered Species Act mandates. The state legislature is considering extending the September 2002 deadline for Comprehensive Plan review and the 2002 deadline for implementing new shoreline management requirements.

Ms. Burgess said the Land Use Code requires a review of the Downtown Subarea Plan in 2001. This review coincides with the Comprehensive Plan update and the Downtown Implementation Plan update currently underway. Staff recommends expanding the charge of the Downtown Implementation Plan CAC, which includes neighborhood and business representation, to also review the Downtown Subarea Plan. Ms. Burgess requested Council direction regarding this item and the proposed public participation program.

Mrs. Marshall suggested the CACs be expanded to involve more citizens, particularly Board and Commission members. She noted that different neighborhoods have different viewpoints on issues and she wants to be sure that a broad range of perspectives is heard.

In response to Mr. Degginger, Mr. Stroh said all elements of the Comprehensive Plan will be reviewed. Key policy issues will be addressed by the CACs, and the Planning Commission will review all of the issues.

Mayor Mosher commented on the challenge of providing balanced representation on the CACs without the groups becoming too large to function effectively. Mr. Stroh said the Downtown Implementation Plan CAC has already started its work. Additional CACs will address environmental issues, neighborhood character, and transit-oriented development.

Mr. Noble noted that the proposed scope of the Comprehensive Plan Update was developed by the Planning Commission. He feels all City commissions and boards should have some input into the scoping process. Mr. Stroh acknowledged that additional issues are expected to come up as the process moves forward.

Dr. Davidson encouraged the involvement of all commissions and boards early in the update process. Mrs. Marshall and Mr. Mosher concurred.

In response to Mr. Creighton, Mr. Stroh said staff proposed to add the Regional Element to the Comprehensive Plan due to Bellevue's increasing role in regional issues. Mr. Creighton is not convinced that regional issues and policies, which are fairly dynamic, are appropriate for inclusion in the Comprehensive Plan. Mrs. Marshall agreed, indicating that regional issues include activities that are not under Bellevue's full control.

Mayor Mosher summarized Council's reluctance to create a Regional Element in the Comprehensive Plan. He said Council supports expanding the Downtown Implementation Plan CAC to also address the Downtown Subarea Plan. Council did not reach consensus regarding approval of the public participation program.

(e) Draft Council Vision Statement and Proposed Incorporation into Comprehensive Plan

Mr. Sarkozy said a Council subcommittee of Mayor Mosher and Councilmembers Degginger and Noble drafted a new Council vision statement, which is included on page 3-45 of the Council packet.

Mr. Mosher reviewed the draft vision statement. He said the concept of a "City in a Park" has been expanded to reflect the "stewardship and enhancement of our spectacular natural environment."

Mrs. Marshall suggested inserting the words "core values" into the statement regarding the City's core values. She encouraged the addition of statements to address: 1) parks, including active and passive recreation, 2) commitment to human services, 3) cultural diversity, and 4) the City's financial strength and stability.

Mr. Creighton agreed that a reference to the City's commitment to human services should be added to the vision statement. He observed that Bellevue is much more than a "family-oriented community," based on statistics for the number of households with children. Mr. Degginger explained that the subcommittee's intent was to visualize a community in which generations of families can continue to live and work in Bellevue into the future.

Mayor Mosher noted Council consensus to direct staff to revise the vision statement based on the discussion for further Council consideration.

(f) Neighborhood Enhancement Program (NEP) Update and Policy Discussion

Mr. Stroh said the City is nearing the end of the current three-year Neighborhood Enhancement Program (NEP) cycle. Neighborhoods will vote on desired projects in March.

Tim Stever, NEP Coordinator, said program objectives are to facilitate communication between the City and neighborhoods and to identify and implement small capital projects. The City

received 865 NEP requests in the previous three-year cycle and more than 1,200 requests in the current cycle. Requested projects include pedestrian facilities, traffic calming, speed enforcement, safety improvements, recreation facilities, and aesthetic improvements. In the current cycle, Mr. Stever said 45 percent of the requests received immediate action (e.g., landscaping, repairing a pothole), 35 percent were referred to other programs or agencies, and 20 percent resulted in small capital projects.

Completed projects include a sidewalk on SE 60th Street in Newport Hills, a sidewalk on Somerset Boulevard near Somerset Elementary School, a crosswalk improvement near Bennett Elementary School, and new play equipment at Woodridge Elementary School. Mr. Stever said evaluation forms are mailed to residents following the completion of a project. The return rate on evaluations is 10 to 15 percent. Responses indicate a 90-95 percent satisfaction rating in all areas of the city.

Mr. Stever said issues have been raised during the current three-year cycle regarding: 1) project eligibility, 2) school projects, 3) policy considerations, and 4) divisive projects. He said written NEP procedures will be developed to address these areas. Project eligibility procedures will define who can submit a request, the submittal process, and criteria for the eligibility of small capital projects. Staff is currently working to develop a letter of understanding with the Bellevue School District regarding school projects. In terms of policy considerations, Mr. Stever said staff members review all NEP requests in accordance with City policies. The recommended project list is reviewed with appropriate department directors and the NEP Steering Committee prior to the distribution of ballots to the community. In terms of divisive projects, staff recommends that such projects be removed from the project list. Special attention will be provided to notify and communicate with property owners most directly affected by a proposed project.

In response to Mr. Creighton, Mr. Stever said funding allocations are based on the number of households within a NEP area.

Mrs. Marshall praised Mr. Stever for working through the divisive projects during the current cycle. She questioned the relationship between the NEP and the Neighborhood Traffic Calming (NTC) program. Mr. Stever said any traffic calming project implemented through the NEP must meet the criteria of the NTC program.

Mr. Degginger asked staff to comment on the assertion that the NEP is narrowing its focus to safety-related projects. Mr. Stever noted the draft NEP procedures in the Council packet (page 3-55) which include project criteria. Safety is not one of the criteria and residents decide how funds should be directed.

Referring to the speaker in Oral Communications who discussed a request for enhanced entrance signs in her neighborhood, Mr. Stever said the interdepartmental NEP project team decided in the past that neighborhood entries may be inappropriate for NEP funding. NEP criteria state that a project must benefit the general public within the overall NEP area. Projects with limited benefit, such as entrance signs to small neighborhoods, are excluded and referred to the Neighborhood Match Program.

Mayor Mosher suggested a comprehensive approach to assessing neighborhood needs – good features, bad features, maintenance needs, and what to enhance. Mr. Stroh confirmed that the NEP fits into a broader package of neighborhood programs and services provided by the City.

Mr. Creighton suggested adding Downtown Bellevue to the NEP in light of its rapidly growing residential population.

At 9:35 p.m., Mayor Mosher declared the meeting adjourned.

Myrna L. Basich
City Clerk

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